

Attorney's Docket No. 7143

Application No. 09/709,323

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REMARKS

Applicants note with appreciation the indication of allowable subject matter in claim 61. By entry of the present amendment, claims 1, 9, 33, 34, 37, 40, 43, 44, 49, 52, 55-57, 60, 63 and 65 have been amended, claims 6-8, 45 and 61 have been canceled, and new claim 66 has been added.

Claim 1 has been amended to incorporate the subject matter of claim 61 as well as claims 6-8, 10 and 11 from which claim 61 depended. The other amended claims have been amended to correct their dependencies. New claim 66 recites subject matter from claim 61 as well as additional features. No new matter has been added.

In the outstanding Office Action, claims 1-4, 6-24, 29-37 40-57 and 60-65 were rejected under 35 U.S.C. §101. However, independent claim 1 now recites the step of storing the modified project information, which Applicants submit is a tangible result. Accordingly, Applicants request that the rejection of claim 1 and those that depend therefrom be withdrawn.

With regard to the rejection of claims 32-37, 40-59, 63 and 65 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that the rejections have been overcome by the instant amendment. Therefore, the rejection under 35 U.S.C. §112 should be withdrawn.

Claims 1-4, 6-14, 16-18, 20 26 27, 32-37, 44, 45, 47-55, 57, 60 and 63 are rejected under 35 U.S.C. §102(a) as being anticipated by Monks et al. ("Audiooptimization: Goal-based Acoustic Design").

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Applicants submit that claim 1 and its dependent claims are in condition for allowance because claim 1 has been amended to incorporate the indicated allowable subject of claim 61 and its base claims.

The Monks article describes a system for optimizing the acoustic design of large performance halls (see paragraphs 1-4 of the Article as marked by the Examiner). The purpose of the described system is to "find the configuration in the feasible design space that best matches the desired performance." As explained in paragraph 5 of the Monks article, the described system can be used to "suggest optimal configurations" or "optimizing an existing configuration", and takes into account the "high-level acoustic qualities such as decay time and sound level" which vary over time.

However, none of the paragraphs of the Monks article discuss project information related to a residential building and a desired in-room noise level for a room in the residential building as recited in independent claim 66.

The Monks article is not concerned with residential building acoustics, and there is no apparent reason why a concert hall audio performance optimization system would be used to optimize the acoustics of a residence.

As for the recitation of a desired in-room noise level in the residential building, the Office rejected a similar recitation in claim 1 by stating "A room is merely a defined area or space." This statement appears to suggest that one of ordinary skill in the art would define each seat in the performance hall, which is a defined area or space, as "a room." Furthermore, the plain meaning of the word "room" is not a defined as an area or space, particularly, in the context of a residence.

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Applicants specification at page 9, recites walls, floors and doors as examples of components that prevent sound transmission between rooms. Applicants respectfully submit that one of ordinary skill in the art of construction or acoustics engineering would not define a room as merely a defined area or space.

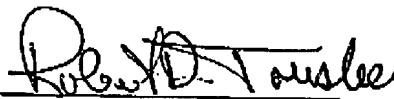
Applicants submit that the Monks article does not recite all of the features recited in Applicants' independent claims. Accordingly, Applicants request that the rejection under 35 U.S.C. §102(a) be withdrawn, and a Notice of Allowance be issued.

Should the Examiner have any questions regarding this response, she is invited to contact the undersigned.

Respectfully submitted,

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